

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ROBERT WHITTEN, et al.,

Plaintiffs,

v.

FENNER DUNLOP, et al.,

Defendants.

Case No. 1:11-cv-889

Weber, J.

Bowman, M.J.

ORDER

This civil action is before the Court on Defendant's motion to strike Plaintiff's Supplemental Authority filed in support of Plaintiff's memorandum in opposition to Defendants' partial motion to dismiss. (Doc. 20). Also before the Court is Plaintiff's motion for leave to file, *nunc pro tunc*. (Doc. 22). The motions have been referred to the undersigned for disposition. (Doc. 23).

In the present case, without first seeking leave of court, Plaintiff filed a supplemental memorandum in support of his memorandum in opposition to Defendants' motion to dismiss - three months after the pleadings related to the motion had closed. (Doc. 19). In response to Plaintiff's filing, Defendants filed the instant motion to strike. Thereafter, Plaintiff sought leave of Court to file the supplemental memorandum *nunc pro tunc*. Defendants did not respond to Plaintiff's motion.

Accordingly, for good cause shown and in the absence of any opposition, the undersigned finds that Plaintiff's motion for leave to file *nunc pro tunc* (Doc. 22) is **GRANTED** and Defendants' motion to strike (Doc. 20) is herein **DENIED as MOOT**. As

a result, Plaintiff's supplemental memorandum (Doc. 19) is accepted as filed.

IT IS SO ORDERED.

s/Stephanie K. Bowman

Stephanie K. Bowman
United States Magistrate Judge